

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NELSON V. RODRIGUEZ, et al.,

No. C-09-0306 MMC

Plaintiffs,

**ORDER DIRECTING PLAINTIFFS TO
SHOW CAUSE WHY COMPLAINT
SHOULD NOT BE DISMISSED**

v.

AMERICA'S SERVICING COMPANY,

Defendant

Before the Court is plaintiffs' complaint, filed January 23, 2009, in which plaintiffs allege five state law causes of action against the named defendant. Under such circumstances, this Court has subject-matter jurisdiction only if the action is between citizens of different states and the amount in controversy exceeds \$75,000. See 28 U.S.C. § 1332(a). Here, the amount in controversy requirement is satisfied, as plaintiffs seek over \$2 million in damages. (See Compl. Prayer ¶¶ 1-2.) With respect to diversity of citizenship, however, plaintiffs have failed to allege either the place of incorporation or the principal place of business of defendant. See 28 U.S.C. § 1332(c)(1) (providing "corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business").

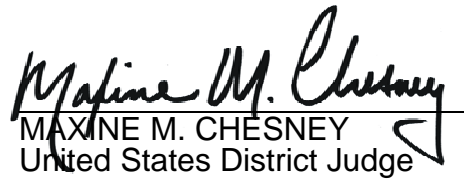
//

//

1 Accordingly, plaintiffs are hereby ORDERED TO SHOW CAUSE, in writing and no
2 later than February 20, why the instant action should not be dismissed for lack of subject
3 matter jurisdiction and without prejudice to plaintiffs' filing their claims in state court.

4 **IT IS SO ORDERED.**

5
6 Dated: January 30, 2009

7 
MAXINE M. CHESNEY
United States District Judge